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May 4, 2022

VIA ECF

Honorable Stewart D. Aaron
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Najhim Luke v. C.O. Khalid*,
21-CV-05137 (RA) (SDA)

Application GRANTED. The parties shall file either their anticipated stipulation or another status update no later than May 27, 2022. The Clerk of Court is respectfully requested to update Plaintiff's address to the address set forth in the cc field below. SO ORDERED.

Dated: May 5, 2022

Your Honor:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendant Correction Officer ("CO") Aamir Khalid in the above-referenced matter. I write to respectfully: (1) provide a status update pursuant to the Court's April 7, 2022 Order (Docket Entry ("DE") No. 32); and (2) request an additional two weeks, from May 13, 2022 until May 27, 2022, for the parties to either file the anticipated stipulation or provide another status update.

By way of background, during a telephone call on March 11, 2022 plaintiff informed the undersigned that he no longer wishes to proceed with this lawsuit. (DE No. 29) On March 15, 2022, the Court issued an Order adjourning all discovery deadlines *sine die* and directing the parties to file a joint letter as to the status of the anticipated stipulation of voluntary dismissal by April 15, 2022. (DE No. 30) On April 7, 2022, pursuant to defendant's request, (DE No. 31), the Court extended that deadline to May 13, 2022 and warned plaintiff "that failure to comply with the Court's Orders may result in the imposition of sanctions, up to and including a recommendation to the District Judge that his case be dismissed." (DE No. 32)

On March 16, 2022, I mailed plaintiff the Court's March 15, 2022 Order, a Stipulation of Voluntary Dismissal (the "Stipulation") for his signature, and a letter explaining where plaintiff should sign and the importance of promptly returning the partially signed stipulation by mail.

Since defendant's last status update on April 6, 2022, (*see* DE No. 31), I was informed that plaintiff is now housed at Otis Bantum Correctional Facility. Plaintiff's new mailing address appears below the undersigned's signature herein.

On May 3, 2022, I had a telephone conversation with plaintiff. I asked plaintiff if I could apprise the Court of the parties' discussion in a letter, and plaintiff consented. Plaintiff also confirmed that he had received the Stipulation in March and explained to the undersigned that he did not realize he had to sign the Stipulation. Plaintiff also confirmed that it is still his intent to withdraw his case against CO Khalid. Accordingly, I asked plaintiff if he could sign and mail the Stipulation to my Office this week. Plaintiff stated that he only needs to obtain an envelope and he would then be able to mail the partially signed Stipulation this week.

Accordingly, to allow time for this Office to receive the partially signed Stipulation in the mail, defendant respectfully requests that the Court extend until May 27, 2022, the parties' time to file the anticipated stipulation or provide an additional status update.

We thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey Frank', written over a horizontal line.

Jeffrey F. Frank
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**
Najhim Luke
Plaintiff *Pro Se*
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